

PUBLIC ACCESS, OPEN SPACE & NATURAL RESOURCES
PRESERVATION FUND COMMISSION

REGULAR MINUTES
JANUARY 8, 2015

The regular meeting of the Public Access, Open Space & Natural Resources Preservation Fund Commission of the County of Kauai was held at the Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B. The following Commissioners were present:

Joseph Figaroa, Chair
Patrick Gegen, Vice Chair
Randall Blake
Theodore Blake (arrived at 1:10 p.m.)
Dorothea Hayashi (left meeting 2:45 p.m.-3:35 p.m.)
Karen Ono

Absent and excused:
Linda Dela Cruz
(1Vacancy)

The following Staff members were present: Planning Department Staff Nani Sadora and Duke Nakamatsu; Deputy County Attorney Ian Jung.

CALL TO ORDER

Chair Figaroa called the meeting to order at 1:04 p.m. with 5 commissioners present constituting a quorum.

APPROVAL OF AGENDA

Ms. Sadora noted that Rhoda Libre is requesting a deferral of their presentation under agenda item H.2. until the March meeting.

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF MEETING MINUTES

Minutes of December 11, 2014

Minutes of December 18, 2014

Commissioner Ono noted a correction on the December 11, 2014 meeting minutes on page 2. Under approval of minutes, the action was to approve the meeting minutes, instead of defer as noted.

On the motion by Karen Ono and seconded by Patrick Gegen to approve the meeting minutes for December 11, 2014 and December 18, 2014 as corrected, the motion carried by unanimous voice vote.

RECEIPT OF ITEMS FOR THE RECORD

There were no items for the record.

UNFINISHED BUSINESS

Review and discussion on past recommendations and prioritization of the Commission's work plan/timeline of events and activities.

Review and discussion on spreadsheet of Commission's task list.

Ms. Sadora noted that the spreadsheet is for tracking things that have been requested from the Commission and have been completed or are still ongoing.

Mr. Gegen asked for an update on Secret Beach/Kauapea which he noted was not included on the spreadsheet. One of their recommendations was to follow up on establishing the previously granted access. He hoped the worksheet would lead the discussions and allow them to receive an update at each meeting on everything they are working on. He noted there is nothing for Kauapea, Papaa Bay, or Kaneioulouma. Mr. Jung replied that he can brief the Commission on Kauapea at the next meeting and list it as an agenda item.

Attorney Jung stated if the goal of the Commission is to expand the task sheet to cover everything from the past reports, they can try to do that to which Mr. Gegen clarified that he is looking to have the spreadsheet deal with requests the Commission has asked staff to follow up on. He noted they have not discussed Kauapea since June. Letters have been sent to land owners but the Commission hasn't been following up. He was hoping the spreadsheet would help organize those thoughts. There is supposed to be an access there, but there is no access. He did not think it should be removed from the task list until there is some resolution; either stating there is no way they will get an access unless they condemn property, or what they need to continue following up.

Attorney Jung stated that Kauapea and Papaa Bay will be added to the list and they will provide updates on them.

Chair Figaroa stated it would be nice to have an update on all of the properties so they have a clear vision from the past to current to which Attorney Jung noted that many of the files are relatively large and many of the access issues have been ongoing for the past 30 or 40 years. A large case has been lost at Papaa Bay. At Kauapea, there was a request for an easement as a condition and it was never recorded so technically they don't have the easement. There are a lot of legal issues that surround a lot of the properties because of the western notions of property rights that land owners will claim. He can provide extended updates but they will lengthen the meetings.

Chair Figaroa noted that they don't need to discuss all of the properties at every meeting, but if they have an ongoing spreadsheet, they can reference the current status should questions arise. Attorney Jung suggested keeping the task tracker separate from the recommendations. They could have a historical reference list of recommendations and then the task tracker list.

Ms. Sadora noted that she will take the recommendation list and include the statuses. When there is action or activity, she can update the list.

Mr. T. Blake questioned the status of Papaa Bay since their site visit. Attorney Jung replied that former Councilmember Bynum asked the Commission to condemn an access, but after realizing how much money it would cost, it never got much traction. There is an access through Aliomanu Beach Estates. If the Commission can ask to have it included on the agenda for a more involved update since some of the commissioners may not have the extensive historical knowledge other commissioners may have. There is a lot of controversy with many of the properties and they are not very simple in terms of acquisition. There is always the option of condemnation but it would require the support of the Mayor and the County Council. If there is a willing land owner, it would be easier to navigate that process quicker.

Commissioner Hayashi questioned whether Commissioner T. Blake was going to speak with the Hawaiian community from that area to which Commissioner T. Blake replied that when they went down the legal access of record, there was a round enclosure in the ocean which signified to him that it was a loko i'a, and there was also a heiau. When he questioned the land owners' attorneys about Native Hawaiian rights, the response was that he would need to prove he is Hawaiian and it was settled in some lawsuit. He questioned how they would discern who can use the other access when not everyone is able to walk the path.

Vice Chair Gegen stated that Papaa Bay is in limbo and the Commission has not made a decision one way or another whether to pursue condemnation or not. He would like to see it on the task list until they decide on a final action.

Commissioner T. Blake stated there may be a solution and they should at least try. They should be able to access any beach on the island. Beaches are important to everyone including the land owner, but that doesn't mean they should make it private for themselves.

Commissioner Hayashi questioned the protocol for involving Earth Justice to which Attorney Jung replied that the idea behind the case law that interprets the State Constitution is to

allow native tenants to have a defense to a trespass charge. The Commission wouldn't necessarily get involved with native rights because they are looking at access for all, whether of blood or not.

Update on recommendation to County Council for condemnation resolution for a portion of TMK (4) 2-6-003:017 to obtain a pedestrian public beach access easement to Kukuia Bay through the former Hoban property and discussion on alternative pedestrian public beach access options to Kukuia Bay.

Attorney Jung stated that the document was transmitted to the Mayor's office again asking if they will be providing a recommendation or transferring it to the Council. The Planning Director is also meeting with the Administration regarding the protocols that have held up the process. His understanding is that it will go to Council to see if one of the Councilmembers wants to introduce the Resolution. The previous request was lost in protocol, then he went with the Mayor's Office to look at the property, then they met with the land owner's representative who was not willing to sell. The matter was sent up again, and now they will refer it to Council. The dossier process works as an interim to bring up the issue, but the way they announce items they want Council to acquire is through the report. He feels the Commission needs to hone back on the dossier process to willing land owners that provide a window to sell. It is a secondary process to the report if there is something of immediate need. Mr. Gegen replied that when they just provided lists in the past, nothing was done, so that doesn't work.

Attorney Jung stated they can continue to send dossiers, but he felt they should narrow the recommendations on the report to realistic options that the Council can move on.

Ms. Hayashi questioned if they also need to lobby to which Chair Figaroa questioned why they would need to lobby when they are a recommending body to the Council.

Chair Figaroa questioned the intention of first receiving support from the administration if they are a recommending body to the Council to which Attorney Jung clarified that the Commission is a recommending body under the auspices of the Planning Department. The recommendations in the report are provided to the Council and the Mayor. The report identifies the recommendations. The dossier process is a communication that has to fall under protocol because they are under the Planning Department. Resolutions are a policy statement, but in looking at actual expenditures of money, that is an Ordinance that the Council can pass, but the Mayor can veto. To override the veto, they need 2/3 vote. Looking at the form and structure, all commissions operate under the Administration, but they are tasked to provide a report to the Council and the Mayor.

Mr. Gegen stated he thought Council asked for a process to be in place when the recommendations are made so they would know what to do. What Attorney Jung is describing is antithetical to what he has been operating under for the past two years.

Mr. T. Blake stated that it takes diligence to get things there.

Chair Figaroa noted that Council has stated that when the Commission comes to them, they need to be ready with a package so the Council can say yes or no.

Attorney Jung stated that if immediate need arises to acquire a piece of property, then they do the work, but in some cases they wouldn't need to spend money for an assessment because there may be a willing land owner. The Commission has been hung up on going after difficult properties with unwilling land owners.

Mr. Gegen stated he would anticipate before they go to Council, that they would have done their due diligence which he sees as the dossier process. Attorney Jung replied that the dossier is something that needs to be sent up right away. If the land owner has a month window in which the Commission needs to act, then they do the dossier process. If the Commission wants to include Kauapea and Papaa Bay in the report they can get the appraisal done and all the acquisition plans ready.

Mr. Gegen questioned the dossiers that have been sent so far to which Attorney Jung replied the current properties in dossier progress are: access to Kukuila Bay (Hoban), Salt Pond Park buffer area, Kauapea Beach access, Papaa Beach access, and Kaakaani.

Mr. Gegen stated the only one he is familiar with is Hoban. The rest were Commission actions. He thought the dossier process was for acquiring property or some sort of legal action that needs to occur. For Kauapea, the Commission asked for correspondence to be sent. That is different to him than a dossier process. Attorney Jung replied that the dossier process is when the Commission asks for information. The acquisition plan is what goes to Council as a communication to do something. The Council was asking for an acquisition plan for the recommendations. It becomes a cart before the horse. Why would the Commission choose Kauapea when they might face ten years of litigation and cost the County a lot of money. Do they expend the \$5,000 for assessment when there is really no interest? The Council requested having the work done for recommendations the Commission is serious about. If there is a property that has an immediate need, then they can do a dossier process to bring it to the attention of the Council with an acquisition plan, ready to go as well.

Ms. Sadora noted that Council acted on the Commission's request to produce the acquisition plan because there was no action taken whenever just recommendations were given. When Mr. Dahilig was the deputy attorney, the dossier was just a communication mechanism. It has grown to where it is now.

Chair Figaroa clarified the term acquisition plan is what they should be using. Ms. Sadora noted recommendations will only be a part of the report. Dossiers would help determine whether or not Council wants the Commission to move on anything.

Chair Figaroa noted that Council wants an acquisition plan for each of the recommendations. Ms. Sadora noted the acquisition plans should not be included in the report. They are the Commission's outline on how the acquisition is going to happen should the Council want to act on it.

Chair Figaroa questioned if acquisition plans have been done for each of the five dossiers to which Attorney Jung replied that the Hoban easement is the only one with an acquisition plan. There is an acquisition plan for the Evslin parcel.

Chair Figaroa questioned what the meeting with the Mayor regarding the Hoban acquisition plan is going to accomplished to which Ms. Sadora stated they will get an update as soon as they know. Attorney Jung stated that he recommended for it to at least be sent to Council to let the other policy makers make a decision as well.

Mr. R. Blake questioned the protocol once it gets to Council to which Attorney Jung replied it goes to the Council Chair first and then it will most likely be assigned to the Planning Committee because it falls under the Planning Department. He noted the Historic Preservation Review Commission reports directly to the Planning Commission and the Planning Department on permits. There are forums within the Planning Commission where action is sometimes forwarded to Council. This is the only Commission where there is interaction between the Mayor and the Council at the same time. The communication protocol derived for the Administration gets difficult when there is a direct link through the Ordinance from this Commission to the Council. They are trying to work out the kinks.

Mr. Gegen stated that he would hope when the communication gets put on the agenda so that members of the Commission can testify.

Mr. T. Blake questioned how the chores can be streamlined since they are cutting back to one meeting and reducing staff and whether Commission members should champion the project. He noted it is not an easy task. He attended the budget committee meeting and saw what was being cut. If the Commission can make the job easier from staff to the Council it would make it easier for the Commission too. There is a log jam.

Chair Figaroa said at the last meeting he questioned why they don't have dedicated staff, but they are trying to cut back while maintaining the level of service. Commissioner T. Blake replied that there has to be a cohesive effort by everyone. They have to take the extra steps. If they don't lobby, it will sit on the back burner. If they make noise, it might get on the front burner.

Chair Figaroa agreed that if each commissioner champions a project they may be pushed more because there is an advocate behind it.

Ms. Sadora noted that part of the meeting with the Mayor is to try to streamline the protocols that have to be followed as a Department. They are requesting clarity on the process between the Departments, the Administration, and then on to Council.

Ms. Hayashi suggested that the Commission should attend the meeting when their acquisition plan goes to Council.

Review and discussion on Kaha Kai Condominium parcel located at TMK: (4) 2-8-017:016.

The Commission received testimony from Rupert Rowe.

Mr. Rowe questioned where this recommendation was on the priority list for last year. He will be speaking with the Administration next week and the Council on February 4. The Commission may be there at the same time for their report. The language for the property identifies the reason for it to be part of the heiau. It is zoned open, public, culture. It is not a commercial operation. They can identify everything that was buried there by the hurricane. The only way the project could have gone forward was for them to first malama the project. Now is the opportunity for the Commission to make a recommendation when he appears before the Council on February 4.

Chair Figaroa questioned what other elements are left to complete the project to which Mr. Rowe replied that the top right side was a portion of the State. As an organization they wrote for an executive order and it was transferred to the County. Nukumoi was unique because the land owner knew what was there. It was not supposed to be a commercial operation. It will be a cultural, visitor, interpretive center for all to enjoy. There are busses that line up and tourists that stop to take photos. It is an economic stimulus for the community.

Mr. T. Blake questioned if the land has been CPRed to which Mr. Rowe replied that a cultural site can't be altered even if it is zoned for a commercial operation. The culture has the right to identify the process.

Commissioner T. Blake stated that the property has been CPRed and will probably be broken down into separate parcels. He questioned if they are looking at the entire parcel or certain parcels that will get the people to Kaneiolouma to which Mr. Rowe replied that you would have to take the whole parcel. He said the CPR of the property could have been stopped, but they never had the opportunity to make their presentation.

Mr. T. Blake noted that it is not zoned commercial, but has a commercial grandfather clause. If it is sold, there can still be commercial use on the portion that is a surf shop. It will definitely make a difference in the purchase price. Mr. Rowe replied that culture does not have a cash value. They are looking at the culture and for it to be kept open for the public so you can understand the significance of the energy for now, the past and the future. The money is there for us to buy it. They should look at the interest of the citizens of this county. The time has come to step up or step out. He asked the commissioners to understand their role on how they interpret the culture.

Mr. Gegen stated that Mr. Rowe appeared before the Commission in the past to inform them on what was happening at Kaneiolouma, and he was nice enough to take them out there when they were half way done with the clearing. He recalled the Commission stated that at the point in time when he would be looking for assistance, that he should let them know. He still sticks with that and felt what is going on there is phenomenal. Any way the Commission can help, he would love to be able to.

Mr. Rowe stated he just wanted to point out the understanding of the word culture and asked them not to look at the value of the money. It cannot bring the past to the future.

Attorney Jung questioned if there were any discussions with the land owner to which Mr. Rowe stated he sat with the land owner, the County removed 35 dump trucks of green waste from the area, and he was impressed to see what he never thought he would see in his lifetime. He asked to be shown where everything was on the ground. He felt it was an opening on the issue. He thinks the Hawaiian Island Land Trust also asked for access to the property and they got out to about 30 feet, but you can't have 30 feet knowing that everything is still buried on the other side. All the rubbish was pushed back from the hurricane. They have been on that project for 17 years but didn't open it until the last 2 ½ years.

Ms. Hayashi questioned if it is just the Nukumoi parcel that they are pursuing to which Mr. Rowe replied they are also looking at the wall that comes down on the side of the property. The same wall continues into the ocean.

Attorney Jung noted the 2013 assessment was \$2.8 million and is a three unit CPR in the Kaha Kai Condominium.

Mr. Gegen questioned the Commission's thoughts to which Chair Figaroa replied he is 100% supportive because he was there when the Commission said they would support it. He agreed that Commissioners should champion projects and lobby. He would be willing to lobby for this project.

Mr. T. Blake stated that he would be willing to lobby but would first like to hear from the land owner and have their comments on paper.

Mr. R. Blake noted this recommendation has already been received by the Council in the report. If the Commission wants to champion this recommendation, they need to lobby the Council.

Mr. T. Blake questioned if they are looking for the Open Space Commission to put all their funds into acquisition or a percentage.

Mr. R. Blake stated that it would be good to present the report again to refresh the Council on what they have done in the past.

Mr. T. Blake questioned what the representative would say to which Chair Figaroa replied they would refresh the recommendation, what they have done in the past, and that they support the efforts of the project.

Ms. Sadora noted that Commission can just support the presentation that Mr. Rowe will be giving since it's been a part of the report from the beginning. The only reason the Commission hasn't taken action is because they were asked by the organization to wait until they were ready to move.

Mr. Gegen suggested advocating that they are willing to reevaluate and see how they can assist. He has a little concern going full heartedly if the Hawaiian Island Land Trust is already involved. They may be able to find a good partnership.

Attorney Jung stated they can probably offer to help do the acquisition plan.

Mr. T. Blake stated that he would first like to hear what is expected from the Commission. He cannot back 100% of the funds to which Mr. Gegen clarified that the message is they are willing to reevaluate to see how they can assist based on their 2013 recommendation.

Mr. T. Blake stated he has no problem making that statement for the Commission.

Chair Figaroa stated that he would like to champion the project. He requested that staff work on the wording to which Ms. Sadora replied they will work on it and send it to him ahead of time.

On the motion by Dorothea Hayashi and seconded by Randall Blake that Chair Figaroa represent the Commission at the Council meeting on February 4, 2015, the motion carried by unanimous voice vote.

Attorney Jung clarified that staff will conceptualize and apply the past recommendations into bullet format and offer the services of doing the acquisition plan.

Mr. Gegen questioned whether the Commission should start discussions with the land owner prior to the meeting to which Mr. R. Blake noted if this is not a willing land owner, he wouldn't vote to acquire the property because there are other properties that have willing land owners.

Chair Figaroa noted that one of the Councilmembers stated that the Commission shouldn't limit themselves to the amount of the fund because the Council can make recommendations on other types of funds that are available to the County.

Ms. Hayashi questioned if the owners are planning to build on the property to which Mr. T. Blake stated the trust has been broken up. They have given land to different branch members and have retained some for the trust. The trust breaks 20 years after the last surviving heir. He noted this is the only lot with commercial use in Poipu. If it is sold and they retain Nukumoi as a commercial center that adds tremendous value. His concern is it will take more money that they have in the fund.

Mr. Gegen questioned if they should actually start the ground work to which Attorney Jung cautioned that when they start engaging in purchasing property and how they want to negotiate with the land owner, they can go into executive session, but in the reports you don't want to divulge too much information because they know your negotiating standpoints going into the sales agreement. Mr. Rowe's organization is already in discussions so he was not sure if the Commission should disturb that. He noted that with the Hodge acquisition there were three

sources of funding. That may be in the works for this project and the Commission may be asked to just put the money up.

Chair Figaroa noted the best position they have taken from the beginning was to just be a passenger. Mr. Rowe's organization has taken the lead so he agrees they should take it step by step according to their direction because it has worked so far.

Mr. R. Blake stated that his interpretation of the motion was that the Chair would present the Commission's past report and to let the Council know that the Commission in the past has supported this process to which Commissioner Hayashi replied that sounds good.

The meeting recessed at 2:37 p.m.

Dorothea Hayashi left at 2:46 p.m.

The meeting resumed at 2:47 p.m.

Discussion on request by Malama Koloa to consider purchasing a 4.860-acre archaeological parcel in Poipu located at TMK: (4) 2-8-031-199.

Mr. T. Blake thought staff was going to draft something to which Attorney Jung stated they were going to try to have a draft acquisition plan to look at.

Chair Figaroa asked for clarification that there is a willing land owner to which Attorney Jung replied that Mr. T. Blake had discussions with that land owner and we just need to formalize the discussions.

Mr. R. Blake stated it can be added to the task tracker.

Review and discussion on Commission's 2014 Report for the Mayor and Council's review including a list of accomplishments, challenges, future goals and objectives, and recommendations

Mr. R. Blake thanked Mr. Gegen and staff for working on the draft report.

Mr. Gegen questioned whether the Commission is still working on Kauapea to which Attorney Jung stated they could add it to the report. The land owner is going through a huge divorce and they are waiting to see what will happen to the property.

Ms. Sadora noted the status report should be regarding the actions that the Commission took during the year. Even though there is action at Kauapea there is nothing to update other than it's going through a legality process.

Mr. Gegen questioned whether the community input process was a challenge to which

Chair Figaroa stated he thought the only challenge was getting more input. He felt the community meetings went well. Mr. R. Blake felt it was still an issue. He didn't think there was an abundance of willing land owners that they have to start prioritizing.

Ms. Ono suggested the statement: The Commission continues to strategize with different avenues to engage.

Mr. Gegen questioned if the Commission wants to continue to use the term "opala" relating to unresolved issues to which Chair Figaroa stated he would like to see "unresolved disputes". Mr. T. Blake stated he would venture the word "challenging". They are challenging, takes up a lot of time, and they don't have much to show for that time they spend on it. The main problem is beyond their reach.

Chair Figaroa suggested: "most of its current recommendations are unresolved land disputes which makes it challenging in the land acquisition process therefore having to do legal research". He asked staff to work on the language.

Mr. Gegen questioned if the Commission would like to include recommendations or note that recommendations will be coming in the 2015 report and/or through the dossier process to which Chair Figaroa suggested focusing on the objectives.

Ms. Sadora questioned if the Commission would like to add wording to the objectives for Kaneiolouma and Sommers to which Mr. Gegen suggested going back to the 2013 recommendations and using some of that wording stating that they want to support but will reassess their role as the opportunity plays out.

Ms. Sadora stated she will circulate it to the Planning Director tomorrow and will notify the Commission if he makes changes that alter the report.

Mr. Gegen stated it would be good if they could have the report to present at the February 4th Council meeting.

Update on vacant commissioner position.

Ms. Sadora noted that Commissioner McClintock stated at the last meeting she would not be renewing her term. The Mayor's Office and the Council are actively looking for replacements.

Mr. Gegen clarified there are two openings; one for the Mayor and one for the Council, both at-large. He noted that Diane Hartman who works at the Hyatt expressed interest.

Review and discussion on CGB/Evslin properties further identified as Tax Map Key (4) 1-3-005:040, 053, and 054.

Ms. Sadora noted that she did the acquisition plan and it was approved today by Attorney Jung. They will have the plan at the next meeting for the Commission's review.

Discussion on upcoming field trip scheduling.

Ms. Sadora noted that February 12 was the target date for the field trip to include Kaneioulouma, Lawai Kai Beach, the main road looking down at Salt Pond, Omao and CDG Evslin, starting from the West side working back to Lihue.

Chair Figaroa questioned if they would be able to ask the National Tropical Botanical Gardens for access to the beach and just jump on one of their busses to go down. Mr. T. Blake noted the tours are on really tight schedules and don't normally go down to the beach anyway. He just wants to go where they can see it from the road; where the normal access is along the rocks.

Ms. Sadora noted they will all be drive-bys starting from Evslin parcel. They will leave Lihue at 8:00 a.m. Working back from Kekaha, they will probably be in Koloa by lunch hour.

Mr. Gegen questioned the remaining agenda items for that day to which Mr. T. Blake requested scheduling another meeting date for February.

Ms. Sadora clarified that the Commission will be utilizing their optional 2nd meeting date on February 26.

Review and discussion on access to Lawai Kai beach.

Mr. Gegen questioned if they are seeking better access to Lawai Kai to which Mr. T. Blake stated with is hip, he cannot access the beach from the rocks. During high tide, there is no access. There was once a road that continued to a garage that the Allerton's had. The hurricane washed out a portion of the road and rather than re-build it, they just decided to go all the way around. Part of the reason was many people were using the road to access the beach and the private property. So, they left it as is and put up fences, but people cut holes in the fences. He has seen over 100 people on the beach on any given day. Not only the people, but their coolers, their BBQs, their tents and their children. It is an accident waiting to happen. It is dangerous going down there. Personally, he would say go around all the posts, but it is amazing how many people go there. How do you stop them? The security guards don't want any problems. A citizen's advisory committee has created a subzone for Lawai Kai, but the beach is still public. He suggested having a Makai watch educate people about the turtles. He has told people coming out that they are on private property.

Mr. Gegen stated that he just wasn't sure if they were looking for more access to which Mr. T. Blake stated they are looking for safer access.

Review and discussion on possible recommendation for acquisition of 35 acre property in Omao further identified as TMK: (4) 2-7- 004:002.

Chair Figaroa stated he would need to look at the parcel. He questioned the intention of this recommendation and the value to the community.

Mr. Gegen stated his understanding is that it is being rented out as ag land and is for sale. It is a property that could be acquired and turned into a community park. It was a recommendation from a community member. To him, it could be preserved as open space or could continue to be leased out as ag land, as long as it's kept open.

Chair Figaroa questioned the current owner to which Ms. Sadora replied A&B is the owner and it is on sale for \$1.4 million.

Mr. T. Blake suggested asking A&B if they would like to contribute this property to the county. The only way they would benefit is to sell it privately.

Chair Figaroa noted they can probably get it for less because it's been on the market for 237 days. They can look at it during the field trip. He suggested keeping it on the radar, but he didn't see value in it.

Mr. R. Blake questioned what the property was used for.

Mr. T. Blake stated that it is on a slope, so he would not think the County would want it for a park.

Mr. Gegen stated that the person who recommended this site noted part of it is rented out to a farmer, but it is a great place to walk your dog. It could be a nature type trail. It's open space.

The Commission agreed they can recommend it if the price is right.

NEW BUSINESS

Appointment of the Commission-appointed, at-large member of the Public Access, Open Space & Natural Resources Preservation Fund Commission.

Ms. Sadora noted that Boards & Commissions is converting all terms to go from January to December.

Mr. Gegen noted he is currently on a 90 day holdover.

Dorothea Hayashi returned at 3:35 p.m.

Mr. Gegen recused himself at 3:35 p.m.

Theodore Blake moved to nominate Patrick Gegen for the Commission-appointed, at-large member and Randall Blake seconded.

On the motion by Randall Blake and seconded by Karen Ono to close the nominations and appoint Patrick Gegen as the Commission-appointed member, all were in favor by unanimous voice vote.

Mr. Gegen returned to the meeting at 3:38 p.m.

Mr. Gegen accepted the appointment.

NEXT MEETING DATE AND AGENDA TOPICS FOR DISCUSSION

Ms. Sadora noted the February 12 meeting is the field trip.

Chair Figaroa noted the only agenda items on February 12 will be the field trip. For the February 26 meeting agenda, they will add Kauapea, and Papaa Bay to the task list on agenda item F.6.

ADOURNMENT

Chair Figaroa adjourned the meeting at 3:43 p.m.

Respectfully Submitted by:

Duke Nakamatsu, Commission Support Clerk

() Approved as circulated on
() Approved as amended on